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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,982	01/02/2001	Rod Rigole	RIG/00-0001	1816
22874	7590	08/16/2005	EXAMINER	
GANZ LAW, P.C. P O BOX 2200 HILLSBORO, OR 97123			NGUYEN, CUONG H	
			ART UNIT	PAPER NUMBER
			3661	

DATE MAILED: 08/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/753,982

**Applicant(s)**

RIGOLE, ROD

**Examiner**

CUONG H. NGUYEN

**Art Unit**

3661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03/09/2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) 1-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This Office Action is the answer to the communication received on 3/09/05.
2. Claims 12-20 are pending in this application.

#### *Response*

3. The arguments submitted on 3/09/05 are unpersuasive. However, because for some reasons, the applicant is unable to respond to the rejection, the examiner would like to point out the applicable parts to pending claim 19 in Mikurak.

- On page 007 of that fax communication, para. 3, the applicant argues "...nothing in Fig. 2 describes network communications with consumer computer systems as described ...". The examiner respectfully submits that Fig.2 of Mikurak represents a network communication with consumer computer systems as described in a first limitation of claim 19, i.e., blocks M1, M2, ...M4 represent different manufacturer computers, block 206 represents a middle-man "E-Commerce Market Space", and blocks SP1, SP2, ...SP4 represent different service providers; blocks 202, 206, and 204 are different entities that talk together in this network communicate environment for "one-stop shopping" configuration of Mikurak.

In p.008 of the fax communication (3/09/2005), the applicant argues Mikurak does not describe "network communication with a plurality of consumers...". The examiner submits that Mikurak teaches a similar configuration. Fig.2 of Mikurak presents a model of business-to-consumer with M1, M2 ...M4 are consumers, and SP1, SP2...SP4 are businesses (service providers).

Independent claim 19 is directed to a method; therefore, functional steps were considered; on page 11 , last para. of the amendment (3/09/2005) – the applicant

responses “The Examiner has failed to fully and clearly state which – if any – of the Claim 19 modules the Examiner believes are disclosed by Mikurak Fig.19. Applicant is therefore unable to respond to the rejection because no reference has been made to anything in Mikurak Fig.19 that specifically corresponds to the recited elements”. The examiner respectfully points out that the applicant should consider Mikurak reference as a whole (one with ordinary skill in the art should recognize that Mikurak’s reference is within the same field of application in network communications), that means everything that was suggested by that Mikurak’s reference; the examiner particularly cited Fig.19 of Mikurak (even already showing the claimed limitations, each particular function in Fig.19 are further explained in the specification of Mikurak’s reference) that contains functional blocks which perform steps claimed by the applicant. The examiner’s position is as long as Mikurak’s reference suggests claimed functions in the same environment, it meets the claim’s limitations.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

***(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.***

4. **Claims 12-20 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mikurak (US Pat. 6,606,744).**

4.1. Re. To claims 19-20: Mikurak teaches a method, comprising:

- A. providing means for a system to have network communication with consumer computer systems – this merely a configuration of networking communication between different parties: i.e.,  $M_1, M_2, \dots, M_4$  and  $SP_1, SP_2 \dots SP_4$  (see Mikurak, Fig.2);
- B. presenting to a consumer, user interfaces for input of consumer profiles (e.g., by user input via computer keyboards, see Mikurak, col. 98 lines 60-67);
- C. capturing data input through the user interfaces (i.e., receiving data, see Mikurak, col. 98 lines 60-67); and transferring the data to databases (a database holding consumer profiles - see Mikurak, col. 40 lines 1-5); including a database holding service programs from different service sectors/providers (e.g., for records);
- processing received data by:
    - (a) finding service programs that match consumer profiles (see Mikurak, Fig.96 ref. 9612); and
    - (b) allowing consumers to engage in automated billing transactions (see Mikurak col.9 lines 20-22 - billers initiate automatic debits from consumers' bank accounts); and in col.301 lines 40-56), Mikurak teaches in Fig.142: "Sometime later, consumer C receives bill 14120 (arrow 4) and initiates bill payment order 14208 (arrow 5). Bill payment order 14208 includes authorization for service bureau S to withdraw funds from C's account 14112 to pay bill 14120, the amount to pay (not necessarily the amount due on bill 14120), the date on which to pay, and some indication of biller B as the payee. Service bureau S responds with confirmation of receipt 14216 indicating that bill pay order 14208 was received (arrow 6). Consumer C can send bill pay order 14208 in any number of ways, such as using a personal computer and modem, directly or through a packet of other data network, via an automatic teller machine (ATM), video touch screen,

a screen phone, or telephone Touch-Tone.TM. pad (TTP) interacting with a voice response unit (VRU). However this is done, service bureau S receives one or more bill pay orders from consumer C. These orders could be instructions to pay some amount for a bill or a set amount of money at periodic intervals.”).

Mikurak does not name his computer configuration as “Interchange party computer system (IPCS)”, and selectively performing several claimed options.

However, Mikurak’s configuration MAY perform analogous functions of a selective option that MAY claimed by the applicant’s system.

It would have been obvious with one of ordinary skill in the art at the time of invention to implement Mikurak’s configuration to perform extra options as an interchange party computer system such as working as an Automatic Services Monitoring Module or as a Data Mining Module because these are claimed as optional functions that MAY or MAY NOT be performed in the claimed system for the benefit of utilizing other necessary functions in a network-based communication system.

4.2. Re. To claim 12: Since claim 19 is the most complex claim, wherein Mikurak teaches a method as in claim 19 (comprising items “b)” and “c)” of claim 12); therefore similar rationales and reference set forth are also applied for an obvious 35 USC 103(a) rejection.

Mikurak also teaches item 12(d): - receiving a consumer profile through a user interface for two above claimed items (see Mikurak, col. 98 lines 60-67, and col. 39 line 53 to col. 40 line 5).

4.3. Re. To claim 13: Mikurak teaches an analogous method as in above claims 12, and 19 (comprising steps of: receiving consumer profile to query a database for matching, and

presenting matched information); therefore, similar rationales and reference set forth for rejections of claim 19 also applied for an obvious 35 USC 103(a) rejection.

4.4. Re. To claims 16-17: Mikurak teaches a method that uses “related” information for communication. The examiner respectfully submit that claiming “specific information” such as in claims 16-17 are obvious with Mikurak’s configuration because these detailed information are considered as “non-functional descriptive material” that do not change the claimed step of using “related” information in Mikurak’s configuration; further, the particular information in claims 16-17 can be included for use in Mikurak’s system.

4.5. Re. To claim 15: Mikurak teaches a method as in above claim 19 (comprising steps of: automatically enroll/register in a matching service (see Mikurak, Fig. 142 ref. 14206 - doing matching bill payment orders with billers, and Fig. 142, ref. 14209 – an enrollment package); and returning/presenting/displaying that information); therefore, similar rationales and reference set forth for a rejection of claim 19 also applied for an obvious 35 USC 103(a) rejection.

4.6. Re. To claim 14: Mikurak also teaches a method comprising I/O interfaces between computers and network: e.g., exchange query/information about an offer for service (see Mikurak, col.102 lines 10-27).

4.7. Re. To claim 18: Mikurak also suggests a system presents information in the nature of two notices of enrollment and communicating those information to a user (in Mikurak’s patent col. 131 lines 44-55, he discloses: “Referring to operations 6708, 6800, and 6802 of FIGS. 67 and 68, the customer relationship management component of the present invention includes a calendar of events, a notification service, and a way to register for upcoming events. Relevant events are selected based on the profile of a user and the user is notified of the time and place of the event.

Once the identity of a user has been verified, the registration of the user is accepted. A notice is sent to a user to remind the user of the event for which he or she has registered. The registration function is integrated with commerce functions to permit fee-based registration capabilities, such as permitting online registration via credit card.

And in col. 141, lines 18-31 of Mikurak's patent, he discloses "One embodiment of the present invention is provided for affording a combination of education-related web application services, illustrated as component 5310 of FIG. 53. FIG. 71 provides more detail. In operations 7100 and 7102 respectively, a curriculum of course offerings is generated from which users are permitted to select, i.e. order, register, etc. Education such as training or the like is carried out over a network such as the Internet in operation 7104. At any given time, a status of the education may be provided, including such things as a listing of the courses completed, scores for the courses completed, a listing of courses for which currently enrolled and the current scores in those courses, a listing of courses required to matriculate, etc. Note operation 7106."

And in col. 158 lines 45-51 of Mikurak's patent, he discloses "PRODUCT REGISTRATION Allows customers to register products online Automatically sends users confirmation of registration Notifies users of upgrades or other product-related information Maintains database on user's purchases to create profiles".

And in col. 158 lines 53-60 of Mikurak's patent, he discloses: "Operation 7400 of the web customer service component of the present invention allows the registration of a product, preferably online. Upon registration of a product, confirmation that the registration has been received is automatically sent to the user, such as by email. Notices of upgrades, promotions, and other product-related information is sent to registered users. A database stores the purchases of each user to create profiles, which may be used statistically for marketing purposes."

And in col. 301 lines 9-14 of Mikurak's patent, he discloses: "In bill pay system 14200, consumer C enrolls in bill pay system 14200 by sending service bureau S (arrow 1) enrollment package 14209 comprising a voided check and list of billers to be paid by S on behalf of C. S subsequently



sends biller B biller confirmation 14210 (arrow 2) to verify (arrow 3) that C is indeed a customer of B. And in col. 301 lines 15-39 of Mikurak's patent, he discloses "With bill pay system 14100 (FIG. 141), consumer C identifies the proper biller by the remittance envelope and the payment coupon, neither of which is available to service bureau S in bill pay system 14200. Thus, service bureau S must identify the correct biller for each bill payment order some other way. Typically, service bureau S does this by asking consumer C for biller B's name, address, telephone number and consumer C's account number with biller B ("C-B account number"). Since neither Bank C nor service bureau S may have any account relationship with biller B, they must rely upon consumer C's accuracy in preparing enrollment package 14209 which is used to put biller B's information into service database 14206. Service bureau S typically requires this information only once, during biller enrollment, storing it to service database 14206 for use with subsequent payments directed to the same billers. Of course, if this information changes, service database 14206 would be out of date. If this information is wrong to start with, or becomes wrong after a change, service bureau S might send funds to the wrong entity. What a service bureau will often do to reduce errors in biller identification is to not allow the consumer to make payments to a biller for a specified time period after enrolling the biller, to allow service bureau S to verify biller B and the C-B account structure with biller B in a biller confirmation message 14210."

The examiner respectfully submits that above cited paragraphs suggest what the applicant claims in claim 18.

### **Conclusion**

5. Claims 12-20 are unpatentable.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 7:30 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax

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number for the organization where this application is assigned is 571-273-6759.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
CUONG H. NGUYEN  
Primary Examiner  
Art Unit 3661